

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI

HUNTER ENGINEERING COMPANY	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.
	)	JURY TRIAL DEMANDED
HENNESSY INDUSTRIES, INC.,	)	
	)	
Defendant.	)	
_____	)	

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, Hunter Engineering Company ("Hunter"), for its Complaint for Patent Infringement against Hennessy Industries, Inc. ("Hennessy") (hereinafter, "Defendant"), asserts as follows:

**INTRODUCTION**

Hunter is a world leader in the design, manufacture, and sale of automotive service equipment for use in automotive servicing centers. This particular case involves technology that Hunter developed relating to wheel balancing equipment and novel methods for balancing wheels. The technology facilitates the wheel balancing process and reduces the materials necessary to effectively balance wheels, thus reducing the cost to perform proper wheel balancing operations. Hunter has obtained U.S. Patent No. 6,952,964 ("the '964 patent") and U.S. Patent No. 7,320,248 ("the '248 patent") that cover the technology in dispute.

Hennessy is a competitor of Hunter. Hunter believes that Hennessy has copied important aspects of its invention that are covered by its patent claims and has therefore infringed the '964 patent and the '248 patent.

### **BACKGROUND**

1. Hunter is a corporation with its primary place of business at 11250 Hunter Drive, Bridgeton, Missouri, 63044.

2. On information and belief, Hennessy has its principal place of business located at 1601 J.P. Hennessy Drive, La Vergne, TN, 37086. On information and belief, Hennessy does business throughout the United States and does business within this judicial district.

3. Hunter is the owner by assignment of all right, title, and interest in U.S. Patent No. 6,952,964 (“the ‘964 patent”), entitled “Vehicle Wheel Balancer System,” attached hereto as Exhibit A. The ‘964 patent was duly and legally issued on October 11, 2005, and is currently valid and enforceable.

4. Hunter is the owner by assignment of all right, title, and interest in U.S. Patent No. 7,320,248 (“the ‘248 patent”), entitled “Method and Apparatus for Determining Imbalance Correction Weights for a Rotating Body,” attached hereto as Exhibit B. The ‘248 patent was duly and legally issued on January 22, 2008, and is currently valid and enforceable.

### **JURISDICTION AND VENUE**

5. This action arises under the Patent Laws of the United States (Title 35 of the United States Code).

6. Jurisdiction is conferred upon this Court by 28 U.S.C. §1331 and §1338(a).

7. Defendants are subject to personal jurisdiction in this judicial district.

8. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

**COUNT I**  
**INFRINGEMENT OF THE '964 PATENT AGAINST HENNESSY**

9. Hunter incorporates by reference paragraphs 1 through 8 as though fully set forth herein.

10. On information and belief, Hennessy is infringing, inducing others to infringe, and/or contributorily infringing, in the United States and in this District, at least one claim of Hunter's '964 patent. Such infringing activities by Hennessy include making, using, importing, selling, and/or offering to sell products, including products that are available with the "Coats EconoBalance" feature or the "Coats EB" feature. These acts are without right, license, or permission from Hunter.

11. Hennessy's actions as described herein constitute infringement of at least one claim of Hunter's '964 patent in violation of 35 U.S.C. §§ 271, 281-285.

12. On information and belief, Hennessy's actions as described herein are willful, wanton, and deliberate and are causing substantial and irreparable damage to Hunter.

13. On information and belief, Hennessy's infringement, if not enjoined by this Court, will continue to cause substantial and irreparable damage to Hunter.

**COUNT II**  
**INFRINGEMENT OF THE '248 PATENT AGAINST HENNESSY**

14. Hunter incorporates by reference paragraphs 1 through 13 as though fully set forth herein.

15. On information and belief, Hennessy is infringing, inducing others to infringe, and/or contributorily infringing, in the United States and in this District, at least one claim of Hunter's '248 patent. Such infringing activities by Hennessy include

making, using, importing, selling, and/or offering to sell products, including products that are available with the “Coats EconoBalance” feature or the “Coats EB” feature. These acts are without right, license, or permission from Hunter.

16. Hennessy’s actions as described herein constitute infringement of at least one claim of Hunter’s ‘248 patent in violation of 35 U.S.C. §§ 271, 281-285.

17. On information and belief, Hennessy’s actions as described herein are willful, wanton, and deliberate and are causing substantial and irreparable damage to Hunter.

18. On information and belief, Hennessy’s infringement, if not enjoined by this Court, will continue to cause substantial and irreparable damage to Hunter.

#### **PRAYER FOR RELIEF**

WHEREFORE, Hunter respectfully requests this Court to enter a judgment:

A. Declaring that Hennessy has infringed at least one claim of the ‘964 patent and that such infringement is willful;

B. Preliminarily and permanently enjoining Hennessy, including any subsidiaries, agents, officers, employees, directors, licensees, servants, successors, assigns, and all others acting in privity or in concert with them, from making, using, importing, selling, or offering to sell products that fall within the scope of the ‘964 patent; from actively inducing infringement of the ‘964 patent; from contributing to infringement of the ‘964 patent; or from engaging in any other acts of infringement of any of the claims of the ‘964 patent;

C. Awarding Hunter damages, including but not limited to lost profits, adequate to compensate Hunter for Defendants' infringement of the '964 patent, together with interest;

D. Awarding Hunter treble damages pursuant to 35 U.S.C. § 284, and other applicable law, by reason of the willful, wanton, and deliberate nature of Defendants' infringement of the '964 patent;

E. Declaring that Hennessy has infringed at least one claim of the '248 patent and that such infringement is willful;

F. Preliminarily and permanently enjoining Hennessy, including any subsidiaries, agents, officers, employees, directors, licensees, servants, successors, assigns, and all others acting in privity or in concert with them, from making, using, importing, selling, or offering to sell products that fall within the scope of the '248 patent; from actively inducing infringement of the '248 patent; from contributing to infringement of the '248 patent; or from engaging in any other acts of infringement of any of the claims of the '248 patent;

G. Awarding Hunter damages, including but not limited to lost profits, adequate to compensate Hunter for Defendants' infringement of the '248 patent, together with interest;

H. Awarding Hunter treble damages pursuant to 35 U.S.C. § 284, and other applicable law, by reason of the willful, wanton, and deliberate nature of Defendants' infringement of the '248 patent;

I. Awarding Hunter attorneys' fees and costs of suit, pursuant to 35 U.S.C. § 285, and other applicable law;

J. Awarding Hunter any other relief that this Court deems just and proper.

Dated: April 7, 2008

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